

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## DOUGLAS VERNON HUDSON,

CASE NO. C21-5827JLR

Plaintiff,

## ORDER ON MOTION FOR DEFAULT JUDGMENT

CHARLES W. SCHARF, et al.,

## Defendants.

Before the court is Plaintiff Douglas Vernon Hudson's motion for default

judgment against Defendant Don Fleming. (Mot. (Dkt. # 27).) The court has reviewed Mr. Hudson's motion, the balance of the record, and the applicable law. Being fully advised, the court DENIES Mr. Hudson's motion for default judgment.

The Local Civil Rules provide specific requirements for a party seeking default judgment, and Mr. Hudson has not satisfied those requirements. *See* Local Rules W.D. Wash. LCR 55. Local Rule 55(b)(1) states: “No motion for judgment by default should be filed against any party unless the court has previously granted a motion for default

1 against that party pursuant to LCR 55(a) or unless default otherwise has been entered.”  
2 Local Rules W.D. Wash. LCR 55(b)(1). Thus, before the court can consider Mr.  
3 Hudson’s motion for default judgment, he must file—and the court must grant—a motion  
4 for default. *See id.* These steps have not yet occurred. (*See* Dkt.).

5 Further, as the Ninth Circuit Court of Appeals has stated, Federal Rule of Civil  
6 Procedure 55 also requires a “two-step process” consisting of: (1) seeking a clerk’s entry  
7 of default, and (2) filing a motion for the entry of default judgment. *See Eitel v. McCool*,  
8 782 F.2d 1470, 1471 (9th Cir. 1986) (“Eitel apparently fails to understand the two-step  
9 process required by Rule 55.”); *see also Symantec Corp. v. Global Impact, Inc.*, 559 F.3d  
10 922, 923 (9th Cir. 2009) (noting that Rules 55(a) and (b) provide a two-step process for  
11 obtaining a default judgment); *Norman v. Small*, No. 09cv2235 WQH, 2010 WL  
12 5173683, at \*2 (S.D. Cal. Dec. 14, 2010) (denying the plaintiff’s motion for default  
13 judgment and explaining that “[f]irst, the clerk must enter a party’s default, then,  
14 provided certain conditions are met, a court may enter a default judgment”).

15 Accordingly, the court DENIES Mr. Hudson’s motion for default judgment (Dkt.  
16 # 27) without prejudice to seeking default judgment in accordance with the Local Civil  
17 Rules and the Federal Rules of Civil Procedure.

18 Dated this 2nd day of March, 2022.

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JAMES L. ROBART  
United States District Judge